

REMARKS

Claims 1-40 are pending in the application.

Claims 1-40 stand rejected.

Claims 1, 9, 20-31 and 36 have been amended.

Rejection of Claims under 35 U.S.C. §101

Claims 20-30 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claims 20-30 to address the Examiner's concerns. Applicants respectfully submit this rejection is overcome thereby.

Rejection of Claims under 35 U.S.C. §102

Claims 1-40 are rejected under 35 U.S.C. § 102(b) as being anticipated by Flores et al., U.S. Patent No. 5,630,069 (hereinafter referred to as "Flores").

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As an initial matter, Applicants respectfully note the particular parts of the cited reference that have been relied upon have not had their pertinence clearly explained, as required by 37 C.F.R. § 1.104(c)(2). Applicant respectfully asserts that simply citing one or more paragraphs of a reference, as in some way purporting to teach or be relevant to a given claim limitation, sans any explanation thereof, is inadequate in meeting both the relevant sections of the MPEP and 37

C.F.R. Nevertheless, Applicants have made every effort to respond to the rejections outlined in the Office Action.

Independent claim 1, as amended, is representative of amended independent claims 9, 20, 31 and 36, and now recites:

1. A method comprising:
identifying a business process;
identifying an application product, wherein
the application product pertains to the business process; and
associating a business process model with a plurality of views, wherein
the business process model pertains to the application product,
the application product is configured to present the plurality of views, and
the plurality of views illustrates the business process within the application
product.

Support for the amendments presented herein can still be found at least at paras. 25-29, paras. 30-36 and Figs. 1, 3 and 6, of the Specification. It will be appreciated that certain of the amendments presented herein are editorial in nature, and merely reflect changes in wording and the like, rather than any changes in substance. Amended independent claims 9, 20, 31 and 36 reflect comparable limitations, among other limitations.

Applicant further respectfully submits that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits that the Office Action fails

to demonstrate that the reference shows, teaches or even suggests several of the foregoing limitations, using claim 1 as an example. To wit:

“...

identifying a business process;

identifying an application product, wherein

the application product pertains to the business process; and

associating a business process model with a plurality of views, wherein

the business process model pertains to the application product,

the application product is configured to present the plurality of views, and

the plurality of views illustrates the business process within the application

product.” (Emphasis supplied)

In contrast, Flores is directed to:

“... a method and system which provides consultants, business process analysts, and application developers with a unified tool with which to conduct business process analysis, design, and documentation. The invention may be implemented using a software system which has two functional sets. One is a set of graphical tools that can be used by a developer or business analyst to map out business processes. The second is a set of tools that can be used to document and specify in detail the attributes of each workflow definition, including roles, timing, conditions of satisfaction, forms, and links required to complete a business process definition. The invention utilizes fundamental concept of workflow

analysis that any business process can be interpreted as a sequence of basic transactions called workflows.” (Flores, Abstract)

Insofar as Applicants are able to discern, Flores, neither in the cited portions nor elsewhere, provides any teaching as to the ability of an application product to use a business process model to illustrate the manner in which the application product satisfies the requirements of a business process, using a number of views. This is because the business process model of the claimed invention is generated by a program (a modeling tool) that is distinct and separate from the application product. The generation of the business process model is performed by a modeling tool. (Specification, para. 31) The modeling tool is used to create a business process model that can then be used by the application product. This is done by transforming the business process model into business requirements. (Specification, paras. 32-36) The views that the application product is able to present can then be, for example, linked to the these business requirements, such that the customer can view the view(s) corresponding to the business requirement(s). (Specification, paras. 37-39 and paras. 40-44; Figs. 2 and 3)

Thus, no technology even comparable to the claimed identifying business process and application product, such that a business process model of the business process allows a number of views of the application product to illustrate the business process within the application product, is shown, taught or even suggested by Flores. Not only does Flores fail to teach the limitations of amended independent claims 1, 9, 20, 31 and 36, Flores is incapable of doing so, because Flores fails to disclose components sufficient to allow parallels to be drawn to the claimed elements.

With regard to the former, the Office Action conflates Flores' graphical tools for workflow analysis and the claimed application product. The claimed application product, as is demonstrated by the dependent claims and corresponding description in the Specification, is a program that supports a given business process by providing one or more views that present functionality for satisfying one or more given business requirements of the business process. By contrast, Flores discloses a method and apparatus for creating workflow maps of business processes. The functionality of Flores is thus directed to describing business processes and presenting such information graphically. While Flores is directed to the construction of a business model and its graphical representation, the claimed invention is directed to demonstrating the views of an application product that can be used to satisfy the business requirements associated with the business process. Applicant therefore respectfully submits that a parallel cannot be successfully drawn between Flores' graphical tools and the claimed application product, for at least the foregoing reasons.

With regard to the latter point, Flores fails to disclose components sufficient to allow parallels to be drawn to the claimed elements. As noted, Flores' graphical tools are not the claimed application product. At best (although Applicants respectfully submit that there is no evidence from which to draw such a conclusion, and, in fact, such a conclusion cannot be drawn), the graphical tools of Flores might be compared to the modeling tool used to generate the business process model for the application product of the claimed invention. Thus, if one were to use the present application as a blueprint, the only possible, if unfounded, position one might take is that the graphical tools of Flores might be used to construct a business model for the application product of the claimed invention (although Applicants respectfully submit that there is no evidence to draw such a conclusion, and, in fact, such a conclusion cannot be drawn).

However, the outcome does not change. There is no doubt that, even in such an improbable case, Flores would continue to fail to show, teach or suggest the claimed application product. Nor, having made such a parallel, does Flores show, teach or suggest any other program with which a parallel with the claimed application product might be drawn. Lacking sufficient components, then, a fundamental difference between the claimed invention and Flores is demonstrated.

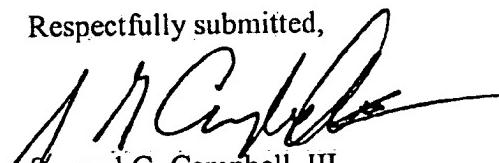
Applicant therefore respectfully submits that the Office Action fails in its burden of demonstrating that Flores does indeed teach each and every limitation of the claimed invention, an objective which Applicant maintains Flores fails to achieve. Applicants respectfully submit, then, that independent claims 1, 9, 20, 31 and 36 are allowable over Flores, and so Applicant respectfully urge that the §102 rejection of claims 1, 9, 20, 31 and 36 be withdrawn. Applicants further respectfully submit that the claims depending on claims 1, 9, 20, 31 and 36 are allowable as depending upon allowable base claims in addition to being allowable for various other reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



Samuel G. Campbell, III
Attorney for Applicants
Reg. No. 42,381
Telephone: (512) 439-5084
Facsimile: (512) 439-5099